



**Las Cruces Police Department**  
**GENERAL ORDERS**  
**ADMINISTRATION VOLUME 1**  
**GO-165 BIAS-BASED POLICING (Most Critical)**  
**Revised 01/17/2019**

**165 BIAS-BASED POLICING**

**PURPOSE**

The purpose of this General Order is to state the Las Cruces Police Department's (LCPD) commitment to the unbiased and equitable treatment of all persons in enforcing the law and providing law enforcement services.

**POLICY**

It is the policy of the LCPD to respect and protect the constitutional rights of individuals during all law enforcement contacts and/or enforcement actions. Public trust and confidence is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. To this end, bias-based policing and/or profiling are unacceptable practices that will not be tolerated.

**APPLICABILITY**

This General Order applies to all employees. This General Order supersedes all previous versions.

**REFERENCES**

- CALEA 1.2.9
- NMML OPR.01.10
- [Prohibition of Profiling Practices Act \(NMSA 1978, § 29-21-1 et seq. \(2009\)\)](#)

**DEFINITIONS**

**Bias-based Profiling** means one or more of the following:

- A. To select a person for or subject a person to any routine or spontaneous investigatory activity, including an interview, detention, traffic stop, pedestrian stop, frisk or other type of bodily search or a search of personal or real property, or to determine the scope, substance or duration of the routine or spontaneous investigatory activity, based on the person's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, economic status, residential status (homelessness), or similar personal characteristic.



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- B. To provide a differing level of law enforcement services, including non-enforcement contacts by commissioned or support employees, based upon any combination of the above characteristics.

**Restorative Justice:** Restorative justice is an approach to justice in which a response to crime is to organize a mediation between the victim and the offender, and sometimes with representatives of a wider community as well. The goal is to negotiate for a resolution to the satisfaction of all participants.

**165.01 PROCEDURE**

- A. Employees shall provide the same level of police service to every person regardless of their age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, economic status, residential status (homelessness), or similar personal characteristic.
- B. The LCPD encourages its officers to:
  - 1. Proactively patrol their assigned districts
  - 2. Investigate all suspicious persons and circumstances
  - 3. Actively enforce all applicable laws
- C. The Las Cruces Police Department insists that people will only be stopped or detained when reasonable suspicion or probable cause exists to believe that they have committed, are committing, or are about to commit a violation of the law.
- D. The LCPD shall protect the fundamental rights of all persons to equal protection under the law and to be free from unreasonable searches and seizures, as provided in the U.S. and New Mexico Constitutions as well as applicable case law.
- E. Commissioned employees shall base all contacts upon reasonable suspicion and/or probable cause regarding:
  - 1. Investigative detentions
  - 2. Vehicle stops
  - 3. Arrests
  - 4. Searches
  - 5. Seizures of property



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6. Forfeiture of assets

F. Officers shall not consider a person's (see below) in determining probable cause for an arrest or reasonable suspicion for a stop unless such characteristics are part of a physical description provided by a credible witness. Such description must be in the context of the totality of the circumstances that warrant the arrest or stop.

1. Age
2. Race
3. Ethnicity
4. Color
5. National Origin
6. Language
7. Gender
8. Gender Identity
9. Sexual orientation
10. Political Affiliation
11. Residential status (homelessness)
12. Religion
13. Physical/Mental Disability
14. Medical Condition
15. Economic status
16. Or similar personal characteristic or any combination of such characteristics

**165.02 TRAINING**

All employees shall receive training during the Academy (or initial orientation for civilian employees) as well as refresher training at least biannually thereafter to ensure adherence to this policy and applicable Department of Public Safety standards.

**165.03 SUPERVISORY RESPONSIBILITIES**

A. Supervisors shall:

1. Ensure compliance with this policy.
2. Periodically review employees' performance, and shall randomly respond to field contacts to observe, evaluate, and ensure the employee is following LCPD policies and procedures.
3. Be alert to any pattern or practices of possible discriminatory treatment by individual employees and will take appropriate action when necessary to correct



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violations of this policy. This may include but are not limited to:

- a. Remedial training
  - b. Counseling
  - c. Referral to the Employee Assistance Program
  - d. Referral to Internal Affairs
  - e. Mediation or other restorative justice procedures
4. Periodically conduct reviews of randomly selected samplings of video/audio recordings to determine if patterns of profiling exist.

**165.04 COMPLAINTS**

- A. Internal Affairs (IA) shall investigate allegations of bias-based profiling.** Any person may lodge a complaint regarding alleged unlawful police profiling with the LCPD. Complaints of bias-based profiling shall be accepted:
1. In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
  2. By telephone, anonymously, or by a third party; provided that the department shall determine the complaint to be valid.
- B.** Complaints of bias-based profiling must be received no later than one hundred and eighty (180) days after the incident. Complaints made after one hundred and eighty days (180) will not be accepted unless directed by the Chief of Police or the Internal Affairs (IA) Lieutenant.
- C.** Employees aware of a violation of this policy, or who receives a citizen complaint, shall immediately report the alleged violation in writing to Internal Affairs.
- D.** Employees shall not discourage citizens from filing complaints of bias-based policing/profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.
- E.** Appropriate disciplinary action up to termination may result if investigation reveals violations of this policy.



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F. Internal Affairs shall submit a copy of all complaints with personally-identifiable information redacted and a description of their disposition to the New Mexico Attorney General within 30 days of the conclusion of the investigation pursuant to NMSA 1978, § 29-21-3B(5). The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

**165.05 ADMINISTRATIVE REVIEW**

- A. Internal Affairs will conduct an annual review of issues regarding bias-based profiling. The review will include, but not be limited to, the following:
1. Review of documentation of bias-based profiling related training conducted at the Academy and additional training and/or instruction provided throughout the year.
  2. Review of documentation of all internal and external complaints relating to bias-based profiling and citizen encounters.
  3. Review documentation of tort claims relating to bias-based profiling and citizen encounters.
  4. Citizen concerns, as applicable.
- B. The Internal Affairs Lieutenant or designee will compile a report on the information reviewed and will provide it to the Chief of Police no later than March 31<sup>st</sup> following the year being reviewed.
- C. A report completed by Internal Affairs should indicate the policy, training, equipment or disciplinary issues that need be addressed based on bias-based policing complaints. The format of the report shall be directed by the Chief of Police.